



The Az POST **Newsletter**

Arizona Peace Officer Standards and Training Board

September 2003

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Staff at AZ POST evolves **Change is in the wind**

Since our last newsletter the staff of Arizona POST has been evolving and moving up and on. First, we have lost two important and valued staff members to retirement. **Ed Routh**, POST Training Administrator for the past eighteen years, has decided to retire and sign on with the Federal Government. Ed will be working for the U.S. Justice Department in Pakistan (yes, Pakistan) where he will be heading U.S. government efforts to provide law enforcement training to Pakistani police. Ed has made important contributions to Arizona law enforcement over the past 39 years, having come to POST after a full 20-year career with the Phoenix Police Department. We intend to follow Ed's career as he continues to contribute, this time on the international stage.

The second team member who has

opted for retirement is **Colin Peabody**. Colin has served in a variety of capacities at POST over the past 30 years starting in 1973 when the Department of Public Safety assigned Colin to work on the first regional basic training programs presented by the Board. Colin returned to enforcement duties in 1978, but came back to POST as a Compliance Specialist after his DPS retirement in 1994. Colin and his wife Lillian (affectionately known as "Mom" at POST, where she also served for many years) plan to enjoy retirement fully, with travel and activities associated with their love of vintage Corvettes.

Egad - enough sad news! We have also had the opportunity to make new assignments and welcome new players

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Meet your Arizona POST Board

In September of 2002 Lisa Daniel Flores brought a wealth of experience, and an intense interest in the criminal justice system to the Az POST Board when Governor Jane Hull appointed her as one of the Board's two public members.

Born in Oklahoma City, Lisa grew up in California, where her father served in the military. She returned to Oklahoma to attend the University of Tulsa before joining her family in Arizona and earning her law degree from the University of Arizona in 1984 (go Wildcats!).

Ms. Flores worked for a time in private law practice, honing her skills and gaining experience toward the realization of her personal goal of protecting Arizona's children. She achieved her ambition in 1986, when she was appointed to the staff of the Arizona Attorney General to specialize in child welfare law.

Between 1986 and 1995 Lisa served the Attorney General in a variety of capacities including insurance defense, where she gained a first hand appreciation for the difficult jobs performed by members of the Arizona Departments of Public Safety and Corrections.

In 1995 Lisa was named State Election Director, and in 1997 she became Chief Counsel to Governor Jane Hull. She joined the Arizona Department of Revenue in January of 2003, and serves as an Assistant Director.

Lisa and her husband, Victor, live in Phoenix. They have been certified to adopt, and waiting for their first child. Lisa is an avid reader, who also enjoys cooking, gardening, and traveling. Victor works as a legislative lobbyist specializing in issues related to the utilities industry.

In 2002, when Lisa was named to the Az POST Board, she actually had several other opportunities for state board appointments. She chose POST because of her interest in serving the criminal justice community. We think she made the right choice.

Use of Social Security Numbers studied

Because of the rising concern about Identity Theft, and a very timely inquiry from a constituent agency (thanks, Chief Wintersteen and staff), AzPOST staff has undertaken a review of why and how we collect and use Social Security numbers.

The "why" became very clear, very quickly when it was determined that state law required our using the SS number as an identifier. The legislature established this requirement for all certifying and licensing boards to insure the cross-tracking of such things as child-support payments and government liens.

In addition, the data base here at AzPOST uses the Social Security as its primary identifier. With over 10% of the 13,500 officers changing agencies, leaving service, entering service or changing their name or rank every year, the SS number is the only constant we can count on to insure accuracy.

Staff then reviewed how we collected the information by surveying the AzPOST forms which all use the SS number. There were several forms on which we clearly needed the information. These included the Personal History Form, the Basic Training Roster, the Termination Form, the Training Request Fax Form, and the Change of Status Form. All of these are maintained in secure locations either with the agency or at AzPOST.

There were some forms that staff felt should be modified to only require the "last four digits" of the SS number. These forms include in-service training rosters, distance learning rosters and calendar school rosters. This change will allow identification of the individual during any training record audit, but will prevent the display of the SS number to other individuals in a class or broadcast.

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A message from Executive Director Tom Hammarstrom

"Noble Cause Corruption - A Seductive Threat"

Of all the acts of police misconduct, those performed in pursuit of what the officer might think of as a "noble cause" may be the most dangerous. When an officer knowingly breaks, or merely bends the rules in an effort to gain a conviction - when the officer concludes that the ends justify the means - that officer has made a frontal assault on the integrity of our system.

This sort of corruption is seductive. Popular culture provides us with any number of heroes, Dirty Harry, for example, who use extra legal methods to solve problems. Harry's cause is noble, at least in the Hollywood version.

The nature of our work can sometimes lead us to think that only we really know or understand the "street." Some conclude that the elaborate system which protects each American's rights is an impediment to real justice, not the source of it. Such conclusions can lead to any number of wrong headed acts, from seemingly minor procedural short cuts, to outright perjury. All justified by the officers "noble cause."

Nowhere is the slippery slope steeper, or more slippery.

I cannot overstate my concern on this topic. Law enforcement is a truly noble profession, but we can only maintain that nobility through absolute submission to the rule of law. It doesn't matter if the case is a simple traffic citation, or a presidential assassination. The ends NEVER justify the means.

Pre-hire convictions of crimes involving dishonesty weighty

What is the difference between hiring these two applicants? The first, a 23-year-old, shoplifted a \$12.00 item five years ago, but was never caught. The second did the exact same thing, under the exact same circumstances, but was caught and was convicted of misdemeanor shoplifting. Neither is automatically disqualified by the POST minimum qualifications. Both are potentially disqualified depending on the Board's discretionary use of rule R13-4-109(A)(7), the commission of an offense involving dishonesty. Why, then, does the Board take a harder look at the one who was convicted?

The answer lies in the impeachment value of the conviction. Most law enforcement professionals are familiar with the "Brady Rule", and its broad requirement that the prosecutor disclose to the defense any evidence that may help its case. Fewer, perhaps, are aware of Rule 609, Arizona Rules of Evidence. The general rule is that evidence that a witness has been convicted of a misdemeanor involving dishonesty or false statement is admissible for the purposes of attacking that witness's credibility for ten years from the date of conviction or release from confinement, whichever is later. Additionally, after the ten years have run, the conviction may still be admitted if the judge determines it should.

As usual in legal issues, there are a few caveats and provisos, built into the rule. But even considering all the "ifs" and "buts", it is extremely likely that a peace officer testifying against a defendant would be subject to impeachment by any misdemeanor conviction involving dishonesty or false statement less than ten years old. The same is not true when there is no conviction.

The Board has generally required some lengthy time period, maybe five years, of excellent behavior after the commission of a minor crime of dishonesty before allowing certification. It has generally required more than a decade of excellent behavior after a conviction, and more often, has permanently denied certification to applicants who have been convicted of crimes involving dishonesty.

In-service training update

Agencies that assign new Training Coordinators need to notify POST of the change in writing. This will insure timely receipt of the bi-annual Training Calendars and any additional add-on classes.

It is important for each agency to have the calendar in the hand of the Training Coordinator quickly, or the agency may lose out on training opportunities.

There are 150-plus agencies that are eligible to apply for the Calendar Classes, and they are filled on a first-come, first-served basis. Agencies with 1 to 100 officers receive 1 slot in an unfilled class, and agencies with 100-plus officers receive 2 slots. Registrations were accepted for the July - December 2003 beginning July 8.

The majority of the classes filled before noon on the first day.

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Phone (602) 223-2514
Fax (602) 244-0477

Executive Director:
Tom Hammarstrom

Board Chair:
Mr. James Garcia

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Sheriff Clarence Dupnik

Ms. Lisa Flores
Sgt. Gary Eisenga
Chief Harold Hurtt
Chief Joe Vernier
Chief Jerry Sheridan
Deputy Tamatha Villar

New staff members at AZ POST

Ms. Marie Dryer

Curt Milam

Sgt. Rick Watling

Sgt. Jim DeLung

Sgt. Crista Capp

Change ...

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to our team. Along with a variety of other important duties, POST Administrator **Lyle Mann** has been assigned to take over where Ed Routh left off, and lead the POST training mission.

Next, **Ms. Marie Dryer** has been appointed as a POST Compliance Specialist. Marie has had a long association with POST as a contract employee from the Arizona Department of Public Safety where she recently retired with the rank of Sergeant. POST customers may know Marie best as our well organized, and very effective in-service training calendar school coordinator.

We have also added some very talented new staff members. We welcome **Curt Milam** aboard as a POST Compliance Specialist. Curt's background includes a full career with the Oceanside, California, Police Department, where he retired with the rank of Lieutenant. Curt also served for a time as public information officer with the Yavapai County Sheriff's Office, and as a civilian employee

with the Maricopa County Sheriff's Office, so he knows his way around Arizona law enforcement.

We are also fortunate to have appointed three new contract Training Specialists. First, let me introduce **Sgt. Rick Watling** of the Arizona Department of Public Safety. Rick comes to POST from DPS Flagstaff, and will be working with basic peace officer courses.

From the Phoenix Police Department we are very pleased to have signed **Sgt. Jim DeLung** and **Sgt. Crista Capp** to work on POST in-service training programs. We are very appreciative that DPS and the Phoenix Police have made these outstanding officers available to serve you.

While it is always sad to say goodbye to folks who have served long and well, as **Ed** and **Colin** have, we are excited about our potential for the future. Your POST staff, old and new, will be working to find new and better ways to complete our mission, and serve the Arizona law enforcement community.



Ed Routh



Colin Peabody

—Retiring—

SS Numbers ...

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The last action undertaken was to eliminate the use of Social Security numbers on AzPOST Training Approval Forms. It was determined that a sufficient record could be achieved by using the agency's own identifier for each officer as these training records are maintained at the agency.

AzPOST hopes these changes, along with a few related changes not highlighted here, will work to protect officers' personal information, and the new forms will be distributed in the very near future.

One-day course to focus on terrorism

The Arizona Regional Community Policing Institute, the FBI, Arizona POST and the Phoenix Police Department have developed a one-day course entitled, "Terrorism Training for Law Enforcement." This class was created from the State and Local Anti-Terrorism Training (SLATT) course which was funded by the Bureau of Justice Assistance and developed by the Institute for Intergovernmental Research in Florida.

The one-day class is designed to assist line level personnel in the prevention and detection of terrorism. It consists of the following topical areas: domestic terrorism, international terrorism, terrorism indicators, officer safety and legal issues.

The class will be held in the following locations: Phoenix metro area, Kingman, Lake Havasu, Yuma, Tucson, Sierra Vista, Flagstaff, Prescott and the White Mountains. It will be held at least twice in each area this year and a number of times next

year, as long as the need exists.

We are searching for large venue sites (seat 100+) for the Phoenix metro area and will send out the dates and locations when the site negotiations have been completed. For areas outside the Phoenix metro area, contact Monica Lanning at 602-223-2560 ext. 229 for your area coordinator.

Sites around the state were selected to keep costs to a minimum. There will be no reimbursements for travel expenses.

Any questions regarding this class can be directed to Rich Kush at 602-223-2560 ext. 264.

POST certification exam update

Az POST expects to finish creation of a valid and complete comprehensive certification test item bank by Dec. 2003. Mr. Lynn Larson is the POST staff member responsible for the testing project. Please feel free to contact him at (602) 223-2514.